

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPACE EXPLORATION TECHNOLOGIES
CORP.,

Plaintiff and Counter-defendant,

-against-

D.T. GRUELLE COMPANY GROUP, L.L.C.,

Defendant and Counterclaimant.

: No. 1:12-cv-07510-(PAE) (KNF)

: **D.T. GRUELLE COMPANY GROUP**
: **L.L.C.'S NOTICE OF INTENT TO FILE**
: **AMENDED COUNTERCLAIM**

Defendant D.T. Gruelle Company Group, L.L.C. (hereinafter “DTG” or “Defendant”) through its attorneys hereby notifies the Court and the attorneys for Plaintiff and Counter-defendant Space Exploration Technologies Corp. (“SpaceX”) that DTG intends to file an amended counterclaim in accordance with the Court’s Individual Rules and Practices in Civil cases as follows:

1. On December 21, 2012, SpaceX filed its Motion to Dismiss Defendant’s Counterclaim (Document 14) and Memorandum in Support of this motion (Document 15). These documents were electronically mailed to the undersigned by the CM/ECF system on December 21, 2012.

2. Pursuant to the Court’s Individual Rule and Practice 3 F (1), DTG notifies the Court and Plaintiff’s attorneys that it intends to file an amended counterclaim on or before January 7, 2013.

3. The January 7, 2013, intended time of filing the amended counterclaim is within the time for which a response would have been required to respond to Plaintiff’s Motion to Dismiss under Rules 5(b)(2)(E), and 6(a)(1) and (d) of the Federal Rules of Civil Procedure; and Local Civil Rules 6.1(b) and 6.4.

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Daniel P. Jaffe

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CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2012, I electronically filed a true and correct copy of the foregoing with the Clerk of Court using the CM/ECF system and that all counsel of record will be served via the Notice of Electronic Filing generated by CM/ECF.

/s/ Daniel P. Jaffe